PRESIDENT : I have always stated that especially during a closure and during Budget time the necessity for the presence of all the official members is essential. I have said so and Government will take measures hereafter to see that all official members are present. At present there are only nine.

The motion was lost four voting *for* twenty *against* and twenty six remaining *neutral*.

MR. N. R. KRISHNAN : സർ, ഈ ബിൽ താഴെ പേർ പറയുന്ന ആളുകളടങ്ങിയ ഒരു സെലക്ട് കമ്മിറ്റിക്ക് അയയ്ക്കണമെന്നപേക്ഷിക്കുന്നു.

ക. മി. കൈനിക്കര എം. പദ്മനാഭപിള്ള
ഖ. മി. വൈക്കം എൻ. രാമകൃഷ്ണപിള്ള
ഗ. മി. പി. എസ്. മഹമ്മദ്
ഘ. മി. ഇ. പി. വർഗീസ്
ങ. മി. കെ. കുഞ്ഞുപണിക്കർ
ച. മി. വക്കല കെ. മാധവൻ
ഛ. മി. പി. കുഞ്ഞുകൃഷ്ണൻ
ജ. മി. കെ. ആർ. നാരായണൻ
ഝ. മി. ഏ. കെ. കുമാരൻ വൈദ്യൻ
ഞ. മി. എസ്സ് കൃഷ്ണപിള്ള. (ലീഗൽ റിമെംബ്രൻസർ)
ട. മി. ഇ. സുബ്രഹ്മണ്യയ്യർ
ഠ. മി. എസ്. ചട്ടനാഥ കരയാളർ
ഡ. മി. എൻ. ആർ. കൃഷ്ണൻ

MR. K. KUNJU PANICKER : I second it.

The motion of Mr. N. R. Krishnan that the Bill be referred to a Select Committee was put to vote and carried.

MR. PUTHUPALLY S. KRISHNA PILLAI : The time within which the committee shall report is not provided.

PRESIDENT : It will report within four months.

THE TRAVANCORE CHITTIES ACT AMENDMENT BILL.

MR. E. P. VARGHESE : I move that the Travancore Chitties Act Amendment Bill be taken into consideration.

MR. K. R. NARAYANAN : I second it.

MR. PUTHUPALLY S. KRISHNA PILLAI : The motion must be formally put and adopted.

PRESIDENT : Yes. The honourable member may say what he wants.

MR. PUTHUPALLY S. KRISHNA PILLAI : The provisions contained in this Bill deals with complicated questions. It says :—

LIBRARY ARCHIVES Kerala Legislative Assembly

"Notwithstanding anything contained in Sections 26 and 27 or in any contract, law or rulings of Court, in the case of chitties defaulted by prized subscribers since 1-1-1105 and not terminated on the date of suit, no Court shall decree for a period of five years from the date of the passing of this Amendment Act anything more than the defaulted subscriptions with interest at six per cent. per annum, such interest not exceeding half the subscriptions due for each instalment."

This is likely to conflict with the Bill which the honourable House has already passed namely, the Debt Relief Bill. Already there is complaint that there are double and treble reductions in the case of some debts and only small reductions in the case of some other kind of debts. This will mean a fourth reduction. At the time the matter was brought up for consideration of the House there were motions similar to it for discussion but they were not moved. I doubt whether this House will concern itself with this Bill when already it has expressed its opinion on the Debt Relief Measure. My own impression is that it is not conducive to public interest to allow this proposal to be pending in the Select Committee. There must be a time when this agitation should cease. If this Bill is pending and debtors entertain the hope that when the Select Committee reports on the Bill there will be a further reduction we will have no finality in the matter. This was a matter considered by the House.

PRESIDENT: Was the matter discussed?

MR. PUTHUPALLY S. KRISHNA PILLAI: So many amendments on the matter were discussed and I can assure the House that the matter was discussed quite thoroughly. Is it at all conducive to the interests of the creditors and debtors whom we represent that this matter should be further pending?

MR. K. P. KOCHUKORA THARAKAN: ചിട്ടിയെ സംബന്ധിച്ചുള്ള കാര്യം ആലോചനയ്ക്കു വന്നിരുന്നോ?

MR. PUTHUPALLY S. KRISHNA PILLAI: The matter was discussed and there are special provisions in it relating to chitty debts. I ask the honourable members to consider the question whether it is after all in the interests of debtors and creditors whom we represent that there should be further postponements in the matter. We have come to some settlement in this matter. It is not proper to indicate that so far as that settlement is concerned the verdict of this House has not been finally given. Honourable members may decide whether it is in the interest of the public at large that we should go on keeping this measure pending or whether we should oppose the motion for the Second Reading.

MR. P. S. MUHAMED: ഈ ബിൽ ഇപ്പോൾ ആവശ്യമുണ്ടെന്നുള്ള അഭിപ്രായക്കാരനല്ല ഞാൻ. ഈ ബില്ലുകൊണ്ടു വരാവുന്ന ഗുണം പലിശയെ സംബന്ധിച്ചു മാത്രമാണ്. ഇതിനെ സംബന്ധിച്ചും ഗുണനിവാരണബില്ൽ ആലോചനയ്ക്കായി വന്നപ്പോൾ പല ഘട്ടങ്ങളിലായി ആലോചിക്കയുണ്ടായി. അക്കും വിഷമമില്ലാത്തവിധത്തിൽ അതിനെപ്പറ്റി ഒരു തീർച്ച ഉണ്ടാകുകയും ചെയ്തിട്ടുണ്ട്. ഓരോ ഗഡുക്കളിലും കൊടുക്കേ

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. P. S. Muhamed]

ണ്ടതായ പലിശയെസംബന്ധിച്ചു ഋണനിവാരണബിൽ വ്യവസ്ഥ ചെയ്തിട്ടില്ലെങ്കിലും പലിശ മേലാൽ 6 ശതമാനമാണെന്നു തീരുമാനിക്കപ്പെട്ടിട്ടുണ്ട്. തവണകളിലായി കൊടുക്കേണ്ട പണത്തിന്റെ പലിശ 9 ശതമാനമാണെന്നു വ്യവസ്ഥ ചെയ്തിരിക്കുന്ന നിലയ്ക്കു ഈ ബിൽ പാസാക്കുന്നപക്ഷം വലിയഗുണം സിദ്ധിക്കുമെന്നു തോന്നുന്നില്ല. ഇപ്പോൾ ഏതായാലും രാജ്യത്തൊട്ടാകെയുള്ള കടങ്ങളെ ആകമാനം ബാധിക്കുന്ന ഒരു ബിൽ പാസാക്കുവാൻ പോകുന്ന മുറയ്ക്ക് ഈ ബില്ലും കൂടി പാസ്സാക്കിയാൽ അതിലെ ചില ഗുണാംശങ്ങളെങ്കിലും ചിട്ടിക്കടങ്ങൾക്കു ലഭിക്കാതിരിക്കുവാൻ ഇടയുണ്ട്. അതുകൊണ്ടു കാര്യങ്ങൾക്കു ഒരു സ്പഷ്ടതയും ഇല്ലാത്ത വിധത്തിൽ ഇപ്രകാരം നിയമങ്ങൾ പാസാക്കുന്നതു ബുദ്ധിപൂർവ്വമായിരിക്കുകയില്ല. ഞാൻ ഈ ബില്ലിനെ സർവ്വശക്തിയോടും കൂടി എതിർക്കുന്നു.

MR. E. P. VARGHESE: Sir, I brought this amendment Bill at a time when the Debt Relief Bill was under consideration and I was actuated to bring this Amendment Bill as the Debt Relief Bill then before the House did not contain any provision for giving relief to the chitty debts. In this connection I may point out to the honourable members of this House the remarks contained in the report of the Debt Relief Enquiry Committee at page 35 of that report. There it is stated "In the case of chitties started or running after the date mentioned above interest may be calculated at 6 per cent. for secured debts and 9 per cent. for unsecured debts on all amounts subsequently becoming due by or to the foreman. The penal provision usual in chitty *variolas* directing defaulters to pay all future subscriptions in a lump appears to be inequitable. We think that such a provision should not be enforced hereafter. The foreman should get only the amount of each defaulted instalment as it falls due with interest thereon from that date."

The Agricultural Debt Redemption Committee also strongly recommended that the penal provisions contained in the usual chitty *variolas* and chitty hypothecation bonds should be removed. They also suggested some amendments being made to the Chitties Act to bring about this effect. These remarks prompted me to bring this amendment Bill. As I did not find any provision in the Debt Relief Bill to give relief to the chitty debts, I found that an Amendment Bill was necessary.

MR. P. S. MUHAMED: ചിട്ടിക്കടങ്ങൾക്കുകൂടി ഋണനിവാരണബില്ലിൽ ഉൾപ്പെടുത്തിയിട്ടില്ലേ?

MR. E. P. VARGHESE: ഉണ്ട്. അതിന്റെ വ്യത്യാസം ഞാൻ മനസ്സിലാക്കിത്തരാം.

17 per cent. of the debts in this country are chitty debts and the inequitable nature of these debts will be conceded when it is understood that the ordinary chitty *variola* contains a provision that in case a

LIBRARY ARCHIVES Kerala Legislative Assembly

prized subscriber defaults, he shall be bound to pay down all the future subscriptions in a lump and the interest on the future subscriptions shall also be calculated from the date of first default. So, it is a double penalty that is imposed. The Committee is strongly of opinion that this is inequitable. There is also another inequitable feature about it. When the chitty is prized, the prized subscriber foregoes a certain amount as *veeta palisa* to be distributed among the non-prized subscribers. For example if the chitty is for Rs. 1,000 and is bid for Rs. 700 by a subscriber, he gives up Rs. 300, but he has to pay down the whole of Rs. 1,000 in instalments. Rs. 300 is being paid as a sort of discount or interest in advance for the advance loan of Rs. 700. Over and above this Rs. 300, he has to pay Rs. 1,000 in instalments. And then if he defaults any instalment he has to pay not only the defaulted instalment but all the future subscriptions in a lump together with interest on all the future and past defaulted subscriptions from the date of default. So, I thought it was a very inequitable provision as has been pointed out by both the Committees and that it was necessary that there should be a salutory provision for giving relief not only to the chitty debtors but also to remove from our Statute a doubly or trebly inequitable transaction which is being recognised by law. Of course it may be said that by conduct during a long period of time, we have become accustomed to this kind of transaction. If we look at the chitty transactions minutely we will see that there are three major provisions. One is that the subscriber has to execute a chitty hypothecation bond for the whole amount when he receives only an amount which is less than the amount for which he executes the bond. Then he has to pay down all the future subscriptions in a lump in case of default and then he has to pay interest on all the future subscriptions from the date of first default. So, if this House is of opinion that this is a measure, which, instead of helping the debtors, would hinder their being relieved from in any way, I am not very particular about this Bill. I leave it to the House to decide.

The question that the Travancore Chitties Act Amendment Bill be read in Assembly was put to vote and was carried.

PRESIDENT: I may say that there is very little chance of Government giving any encouragement to this Bill so long as the Debt Relief Bill is on the anvil. I do not want that there should be any illusion as to this. The point is that so long as the Debt Relief Bill, as to which there is a tremendous amount of feeling in certain quarters I may say at once that Government will not be anxious to have two enactments running side by side. Also, Government cannot bring the Debt Relief Bill into force until this is disposed of. This Bill may take two or three months and the Debt Relief Bill also will have to be postponed for a like period.

MR. T. C. KESAVA PILLAI: Sir, I oppose the Bill.

PRESIDENT: The motion has already been passed by the House. I am only telling Mr. Varghese that I do not think he is serving the interests he has in view by pressing his Bill just now. Technically the House has carried the motion and the next stage is that the Bill be referred to a select committee.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. JOSEPH VITHAYATHIL: Sir, a member in charge of a Bill may withdraw it at any stage.

MR. E. P. VARGHESE: Sir, I seek the leave of the House to withdraw the Bill.

The Bill was, by leave of the House, withdrawn.

THE TRAVANCORE KAMMALA BILL.

PRESIDENT: I find before me, I suppose honourable members have also got it, a certain number of amendments. Then there was also circulated some Malayalam document. I think it was Mr. Velu Achari who circulated it, in which all the amendments have been put in the form of another enactment.

MR. N. RAMAKRISHNA PILLAI: He has circulated a paper containing the history of the Kammla Bill.

PRESIDENT: All the amendments have been incorporated in it.

MR. N. RAMAKRISHNA PILLAI: Sir, most of the amendments that have been given notice of are intended to remove clerical mistakes.

Sir, I beg to present the roport of the select committee on the Kammala Bill and I move that the Bill be taken up for consideration.

MR. G. NILAKANTAN (*Nominated*): I second it.

MR. N. VELU ACHARI: Sir, under Standing Order No. 64. I beg leave to present to the Assembly some 18 petitions forwarded to me in connection with the Bill under consideration from the Viswakarma Sanghams .....

PRESIDENT: Order. Is this the proper time for presenting those petitions?

MR. PUTHUPALLY S. KRISHNA PILLAI: Sir, the House is now in possession of the Kammala Bill and the motion before the House is that the Bill be considered and the procedure is that we should consider any amendments that are brought before the House for its consideration.

PRESIDENT: The whole point is this. What is the precedent or what is the procedure for the presentation of these petitions to the Assembly? What is the period within which they should be presented.

MR. N. VELU ACHARI: I may refer the Chair to Standing order No. 64.

PRESIDENT: I know that there is a procedure for presenting petitions to the Assemply. What I am anxious to know from the Legal Remebrancer or any other honourable member who can enlighten me, is whether there is any precedent here as to the time for the presentation of such petitions? Can they be presented during the progress of a Bill? Can they be presented in the middle of the deliberations on the Bill? That is what I wish to know. Otherwise, I shall rule according to my own discretion.

MR. PUTHUPALLY S. KRISHNA PILLAI: This is certainly not the time for presenting the petitions. The House is already in possession of a motion that the Bill be read in the Assembly.

MR. C. JEBAMONY NADAR: Paragraph 182 (1) (a) of the Assembly Manual at page 53 states that petitions to the Assemply must relate to some matter actually under the consideration of the Assembly; and this is the proper time.

MR. PUTHUPALLY S. KRISHNA PILLAI: My opinion is, Sir, that in the midst of a motion that is under the consideration of the House, the petitions connot be presented.

LIBRARY ARCHIVES Kerala Legislative Assembly